

REMARKS/ ARGUMENTS

The foregoing amendment and the following arguments are provided to impart precision to the claims, by more particularly pointing out the invention, rather than to avoid prior art.

35 U.S.C. § 103(a) Rejections

Examiner rejected claims 1, 6, 8-11, 16, 18-21, and 27 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,983,382 (hereinafter "Pauls") in view of U.S. Patent No. 5,754,754 (hereinafter "Dudley et al").

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). (Manual of Patent Examining Procedure (MPEP) ¶ 2143.03).

Independent claims of the present application include limitations not disclosed or suggested by Pauls or Dudley et al. As a result, applicant's independent claims are patentable over Panas in view of Dudley et al.

In particular, applicant's independent claims include the limitation, or a limitation similar thereto, *of in response to receiving an acknowledgement, ceasing to send additional parity packets, and in response to not receiving the acknowledgement, continuing to transmit the parity packets.*

In the most recent office action, the examiner stated that Dudley et al. discloses in response to receiving the acknowledgement, ceasing to send additional parity packets. Applicant respectfully disagrees.

Dudley et al. does not disclose ceasing to send additional parity packets in response to receiving an acknowledgement. Rather, Dudley et al. discloses, in response to receiving an acknowledgement, stopping a STATUS-REQ timer 32. As a result of stopping the timer 32, Dudley et al. does not retransmit data packets.

In order to ensure the correct delivery of the last data packet 40, sender station 12 sets the status request bit field 54 on the last data packet 40 to be sent and starts STATUS-- REQ timer 32. If STATUS-- REQ timer 32 expires, the last data packet 40 in list 34 is retransmitted . . . When sender station 12 receives a status packet 60 that acknowledges the receipt of all transmitted data packets 40, STATUS.sub.-- REQ timer 32 is stopped. Otherwise, list 34 is used as described above to determine which data packets 40 to retransmit. (Dudley et al., col. 12, lines 5- 15).

Therefore, Dudley et al. fails to teach the claimed limitation of response to receiving an acknowledgement, ceasing to send additional parity packets, and in response to not receiving the acknowledgment, continuing to transmit the parity packets. As a result, applicant's independent claims are patentable over Pauls in view of Dudley et al.

Furthermore, the remaining claims depend from one of the independent claims as discussed above. As a result, the dependent claims include the distinguishing claim limitation discussed above and are patentable over Pauls in view of Dudley et al.

CONCLUSION

Applicants respectfully submit the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call John Ward at (408) 720-8300, x237.

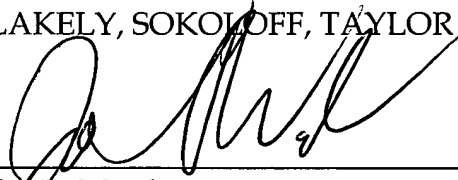
Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Date: _____

4/2/04



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